

**Recess.**

On motion of Senator Davis, the Senate recessed until 10 o'clock a. m. Friday.

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Oct. 8, 1936.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 7 carefully examined and compared and find same correctly engrossed.

POAGE, Chairman.

**NINTH DAY.**

(Continued)

Senate Chamber,  
Austin, Texas,  
October 9, 1936.

The Senate met at 10 o'clock a. m. pursuant to recess, and was called to order by President Pro Tem. Roy Sanderford.

**Pending Business.**

The pending business was the amendment by Senator Small to amend S. B. No. 5.

Amend the Small amendment by adding after the word "members" in line 3 the following: "Two representing labor, two representing industry and two representing the general public."

HILL.

Read and adopted.

The question recurred on Small amendment as amended.

The amendment as amended was adopted by the following vote:

Yeas—18.

Blackert.	Poage.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Hill.	Shivers.
Isbell.	Small.
Neal.	Weinert.
Oneal.	Westerfeld.
Pace.	Woodruff.

Nays—7.

Collie.	Moore.
DeBerry.	Stone.
Holbrook.	Van Zandt.
Hornsby.	

Absent—Excused.

Beck.	Regan.
Martin.	Sulak.
Nelson.	

Amend S. B. No. 5, page 13, beginning at line 15 and striking out all of sub-section (f) thru and including line 25.

DAVIS.

Motion to Table.

Senator Shivers moved to table the amendment.

The motion lost by the following vote:

Yeas—10.

Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Moore.	Shivers.
Oneal.	Van Zandt.

Nays—13.

Cotten.	Pace.
Davis.	Sanderford.
DeBerry.	Stone.
Hill.	Weinert.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Neal.	

Absent.

Holbrook.	Small.
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Absent—Excused.

Beck.	Regan.
Martin.	Sulak.
Nelson.	

The question recurred on the adoption of the amendment by Senator Davis.

Read and adopted.

**Glee Club Sings.**

At 10:15 o'clock the Chair announced that the time had arrived for the Prairie View Glee Club to entertain the Senate.

The Prairie View Glee Club appeared before the Senate and rendered a program.

**Senate Bill No. 5.**

Amend S. B. No. 5, Art. XIII Sub-section (b) by substituting the word counsel for the word council in said paragraph.

HILL.

Read and adopted.

**Message From the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives  
Austin, Texas, October 9, 1936.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 15, Authorizing the State Highway Department to loan to the City of Calvert any of said department's paving equipment.

Respectfully submitted,

LOUIS SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Previous Question.**

Senator Shivers moved that the Senate order the previous question on engrossment of S. B. No. 5.

The motion was seconded and a roll call was demanded.

The motion lost by the following vote:

Yeas—7.

Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Shivers.
Pace.	

Nays—17.

Collie.	Oneal.
Davis.	Sanderford.
DeBerry.	Small.
Hill.	Stone.
Holbrook.	Van Zandt.
Hornsby.	Weinert.
Isbell.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Beck.	Sulak.
Martin.	Poage.
Nelson.	Regan.

Amend Small amendment relating to Article 19, Page 17, of Senate Bill

No. 5 by striking out the following "then this act shall become void, inoperative, and of no effect," and substitute in lieu thereof the following "then in that event the powers, duties, and levies herein provided for shall have no further force or effect "and the commission shall cease to function."

VAN ZANDT.

Read and adopted.

The bill as amended was ordered engrossed by the following vote:

Yeas—19.

Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Sanderford.
Hill.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Moore.	Van Zandt.
Oneal.	Westerfeld.
Pace.	

Nays—6.

DeBerry.	Neal.
Holbrook.	Weinert.
Martin.	Woodruff.

Absent.

Davis.

Absent—Excused.

Beck.	Regan.
Nelson.	

(Pair Recorded.)

Senator Small (present) who would vote nay, with Senator Beck (absent) who would vote yea.

On motion of Senator Shivers, the constitutional rule requiring bills to be read on three several days was suspended by the following vote:

Yeas—25.

Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Sanderford.
Davis.	Shivers.
DeBerry.	Small.
Hill.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Nays—2.

Holbrook.            Martin.

Absent—Excused.

Beck.                    Regan.  
Nelson.

Read third time and passed by the following vote:

Yeas—17.

Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Shivers.
Hill.	Stone.
Isbell.	Sulak.
Moore.	Van Zandt.
Oneal.	Westerfeld.
Pace.	

Nays—8.

DeBerry.	Neal.
Holbrook.	Sanderford.
Hornsby.	Weinert
Martin.	Woodruff.

Absent—Excused.

Beck.                    Nelson.  
Davis.                  Regan.

(Pair Recorded.)

Senator Small (present) who would vote nay, with Senator Beck (absent) who would vote yea.

**S. C. R. No. 10**

By Senator Redditt:

S. C. R. No. 10, Granting J. F. Thomson permission to sue the State of Texas and Highway Department.

Read and referred to Committee on State Affairs.

**H. C. R. No. 15.**

Senator Stone received unanimous

consent to take up H. C. R. No. 15 at this time.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Frazier:

H. C. R. No. 15, Requesting the loan of certain State Highway equipment to the city of Calvert.

On motion of Senator Stone, the rule requiring resolutions be referred to a committee was suspended.

H. C. R. No. 15 was read and adopted.

**H. C. R. No. 4.**

Senator Martin received unanimous consent to call from the table H. C. R. No. 4.

By Mr. Stovall:

H. C. R. No. 4, Granting John Mulkey of Ellis County permission to sue the State of Texas and the State Highway Commission.

H. C. R. No. 4 was read and adopted.

**Senators Excused.**

Senator Beck was excused on account of important business on motion of Senator Burns.

Senator Nelson was excused on account of illness on motion of Senator Collie.

**Advance Printing Ordered.**

Senator Pace moved that advance printing on H. B. No. 8 be ordered. Motion prevailed.

**Motion to Adjourn.**

On motion of Senator Small, at 11:35 o'clock a. m., the Senate adjourned until 10 o'clock a. m. Monday.

**In Memory**  
**of**  
**Hon. W. H. Stark**

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**SENATE RESOLUTION NO. 17**

Whereas, Mr. W. H. Stark of Orange, Texas, on October 8, 1936, was called from his earthly life to a higher sphere, and

Whereas, Mr. Stark who was born in San Augustine County, early in the Nineteenth Century, became an outstanding and leading citizen in developing the resources of the State and attained a position of such prominence in the affairs of Texas, as to entitle him to recognition for his worthy deeds, and

Whereas, This beloved citizen used his influence and his resources to develop this great State, especially the Southeastern portion and throughout all his life, contributed both of his time and his means toward the good of man and the up-building of the people of this State, and

Whereas, There survive him his faithful wife, Mrs. Miriam Lutcher Stark, a son, H. J. Lutcher Stark, now Chairman of the Board of Regents of the University of Texas, and his two grandsons, Bill and Homer, sons of Lutcher, now therefore, be it

Resolved by the Senate of Texas, when it adjourns today do so in memory of this estimable gentleman, and

Be it further resolved that a copy of this resolution be forwarded to the surviving members of Mr. Stark's family.

SHIVERS.

Read and adopted by a rising vote.